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20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA
22 SAN FRANCISCO DIVISION

23 TERRY COUR II, individually and on behalf
24 of all others similarly situated,

25 Plaintiff,

26 v.

27 LIFE360, INC., a Delaware corporation,

28 Defendant.

Case No. 3:16-cv-00805-TEH

**DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN FURTHER
SUPPORT OF ITS MOTION TO
DISMISS THE FIRST AMENDED
COMPLAINT OR, IN THE
ALTERNATIVE, FOR SUMMARY
JUDGMENT**

CLASS ACTION

**Hearing Date: July 25, 2016
Time: 10:00 a.m.
Courtroom: 2**

Pursuant to Federal Rule of Evidence 201, Defendant Life360, Inc. (“Life360”) requests that the Court take judicial notice of the following document attached hereto as Exhibit 1, which is being submitted in connection with Life360’s Reply Memorandum of Points and Authorities in Further Support of its Motion to Dismiss the First Amended Complaint or, in the alternative, for Summary Judgment:

EXHIBIT	DESCRIPTION
1	Anthony Coffman’s Comment on Glide Talk, Ltd.’s Petition for Expedited Declaratory Ruling, dated January 3, 2014, CG Docket No. 02-278

The Court “may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). “The court may take judicial notice at any stage of the proceeding.” Fed. R. Evid. 201(d). The Court “must take judicial notice if a party requests it and the court is supplied with the necessary information.” Fed. R. Evid. 201(c)(2).

Exhibit 1 is a public comment that was previously submitted to the Federal Communications Commission (“FCC”) by Plaintiff’s counsel on behalf of Anthony Coffman in connection with Glide Talk, Ltd.’s Petition for Expedited Declaratory Ruling. Courts in the Ninth Circuit regularly take judicial notice of public comments and other submissions to the FCC. *See, e.g., Tovar v. Midland Credit Mgmt.*, No. 10cv2600 MMA (MDD), 2011 WL 1431988, at *2 (S.D. Cal. Apr. 13, 2011) (taking judicial notice on Rule 12(b)(6) motion to dismiss of comments submitted to FCC); *Robinson v. Midland Funding, LLC*, No. 10CV2261 MMA(AJB), 2011 WL 1434919, at *2 (S.D. Cal. Apr. 13, 2011) (same); *Glauser v. Twilio, Inc.*, No. C 11-2584 PJH, 2012 WL 259426, at *2 (N.D. Cal. Jan. 27, 2012) (considering petition for declaratory ruling filed with FCC); *Greene v. T-Mobile USA, Inc.*, No. C07-1563RSM, 2008 WL 351017, at *2 (W.D. Wash. 2008) (taking judicial notice of petitions filed with the FCC).

Accordingly, Life360 respectfully requests that the Court take judicial notice of Exhibit 1 hereto in connection with ruling on Life360’s Motion to Dismiss the First Amended Complaint

1 or, in the alternative, for Summary Judgment.

2
3 Dated: July 1, 2016

4 Respectfully submitted,

5 ORRICK, HERRINGTON & SUTCLIFFE LLP

6 /s/ William A. Molinski

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